

[Doc. No. 5]

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

SALAHUDDIN SMART,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil No. 08-2259(NLH)
	:	
COUNTY OF CAMDEN, et al.,	:	
	:	
Defendants.	:	

ORDER

_____This matter is before the Court on the “Motion to File Answer Out of Time or Otherwise Move” [Doc. No. 5] filed by Howard L. Goldberg, Esquire, counsel for Defendants, the County of Camden and Eric M. Taylor; and Defendants seeking a fifteen day extension of time to file a response to the Complaint of Plaintiff, Salahuddin Smart; and Defendants arguing that counsel inadvertently misfiled Plaintiff’s Complaint and missed their deadlines to respond; and Defendants further arguing that they have meritorious defenses to Plaintiff’s claims and this case should be decided on the merits; and no party filing opposition to Defendants’ Motion; and

The Court finding that pursuant to Fed. R. Civ. P. 6(b)(1)(B), when a motion for an extension of time is filed beyond the original time period to respond, the court may, in its discretion, extend the time to answer, move or otherwise reply where the failure was the result of excusable neglect; and the Court further finding that Defendants were served on June 6, 2008 and June 9, 2008, making their responsive pleadings due on June 26, 2008 and June 29, 2008; and the Court further finding that Defendants filed their Motion beyond the time period for responding to

Plaintiff's Complaint; and the Court further finding that Defendants' failure to respond to Plaintiff's Complaint in a timely manner was the result of excusable neglect; and the Court further finding that granting Defendants an extension of time will not unduly prejudice Plaintiff or delay the resolution of this case; and for good cause shown

IT IS on the 21st day of August 2008 hereby

ORDERED that Defendants' "Motion to File Answer Out of Time or Otherwise Move" is GRANTED; and it is further

ORDERED that Defendants shall file and serve their replies to Plaintiff's Complaint in accordance with the Federal Rules of Civil Procedure no later than **September 2, 2008**.

/s/ Joel Schneider

JOEL SCHNEIDER

United States Magistrate Judge